

CLAIM OF: BRAND SCAFFOLD SERVICES, INC.,
through its attorney,
Jacqueline A. Gibson
Suite 400
235 Peachtree Street, NW
Atlanta, Georgia 30303

For damages alleged to have been sustained as a
result of non-payment by the general contractor
on a project at the Philips Arena.

THIS ADVERSED REPORT IS
APPROVED

BY: Rosalind Rubens Newell
ROSALIND RUBENS NEWELL
DEPUTY CITY ATTORNEY

ADVERSE REPORT

COM. P.S. & L.A.

DATE 6/13/0

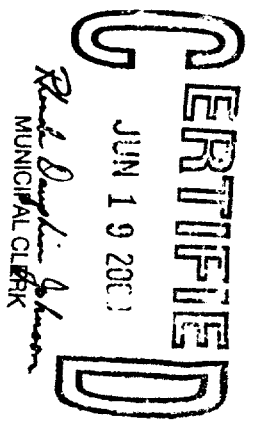
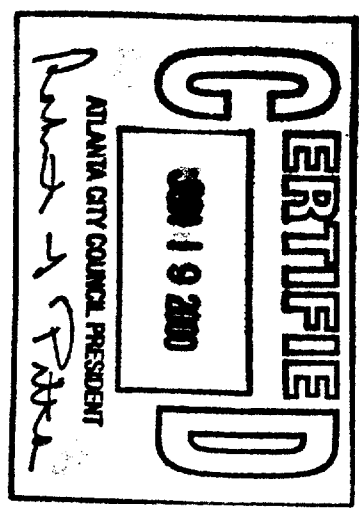
CH. C. T. Martin

Celia Anderson

Walter S. S. S.

Walter S. S. S.

ADVERSED BY
CITY COUNCIL JUN 19 2000





**CITY OF ATLANTA
OFFICE OF MUNICIPAL CLERK**

**RHONDA DAUPHIN JOHNSON, CMC
MUNICIPAL CLERK**

**55 TRINITY AVENUE, S.W.
SECOND FLOOR, EAST
SUITE 2700
ATLANTA, GEORGIA 30335
(404) 330-6033
FAX (404) 658-6103**

July 3, 2000

Jacqueline A. Gibson
Attorney at Law
235 Peachtree St., NW
Suite 400
Atlanta, Ga 30303

00-R-0800

RE: Brand Scaffold Services, Inc.

Dear Attorney Gibson:

I sincerely regret that your client has been adversely affected by the circumstances raised in his/her claim for damages against the City of Atlanta. Your time and patience in this matter has been greatly appreciated.

However, I must notify you that the Atlanta City Council Adopted an Adverse Report on your client's claim at its regular meeting on June 19, 2000. In consultation with the City's Law Department, who conducted an investigation of the situation, the Council has determined that the City cannot accept responsibility for this matter and therefore cannot pay this claim.

If you desire any further information, please contact the **City Attorney's Office/Claims Division** at (404) 330-6400.

Yours very truly,

Rhonda Dauphin Johnson

Rhonda Dauphin Johnson, CMC
Municipal Clerk

cc: Claims Division/Law Department

DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 00L0319

Date: June 1, 2000

Claimant /Victim BRAND SCAFFOLD SERVICES, INC.
BY: (Atty) Jacqueline A. Gibson
Address: 235 Peachtree Street, NW, Suite 400, Atlanta, Georgia 30303
Subrogation: Claim for Property damage \$ 203,579.96 Bodily Injury \$
Date of Notice: 05/18/00 Method: Written, proper X Improper
Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X
Date of Occurrence Not Stated Place: Philips Arena
Department Division:
Employee involved Disciplinary Action:

NATURE OF CLAIM: The claimant alleges it has not been paid by the general contractor for work performed at the above location. The investigation determined that this location is not owned by the City of Atlanta. The claimant's attorney has been advised of the above.

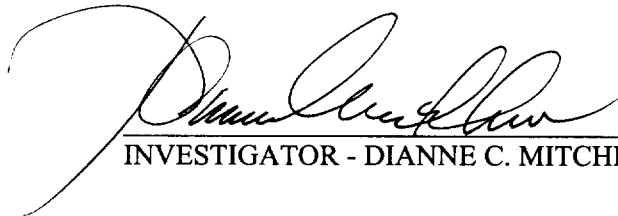
INVESTIGATION:

Statements: City employee Claimant Others Written Oral
Pictures Diagrams Reports: Police Dept Report Other
Traffic citations issued: City Driver Claimant Driver
Citation disposition: City Driver Claimant Driver

BASIS OF RECOMMENDATION:

Function: Governmental Ministerial
Improper Notice More than Six Months Other Damages reasonable
City not involved X Offer rejected Compromise settlement
Repair/replacement by Ins. Co. Repair/replacement by City Forces
Claimant Negligent City Negligent Joint Claim Abandoned

Respectfully submitted,


INVESTIGATOR - DIANNE C. MITCHELL

RECOMMENDATION:

Pay \$ Adverse X Account charged: 1A01 2J01 2H01
Claims Manager: Concur/date 7/1/00
Committee Action: Council Action

Jacqueline A. Gibson & Associates
Attorneys at Law

Peachtree Center North Tower
235 Peachtree Street N.W. Suite 400
Atlanta, Georgia 30303

Office (404) 681-1200
FAX (404) 629-2428

M. Mitchell
05/18/00
DM

April 10, 2000

ENTERED - 5-19-00 - SB
00L0319 - DIANNE MITCHELL

CERTIFIED MAIL RETURN RECEIPT REQUESTED NO. 7099 3400 0003 4160 6626

Mr. Rob Pitts, Chairman
Atlanta City Council
55 Trinity Avenue
Atlanta, Georgia 30303

RE: Debt Owed to: Brand Scaffold Services, Inc.
Balance Due: \$ 203, 579.96

SUBJECT: Phillips Arena Project,
Subcontractor: Architectural Sales and Contracting, Inc.,

Dear Mr. Pitts:

This letter is written to give you formal notice that this law firm will collect the above outstanding debt that is owed the above referenced Creditor.

Our client informs us that numerous attempts have been made to collect this debt. If full payment of this obligation is not made within ten (10) days from the date of this letter, our client has instructed us to consider filing a lawsuit against your corporation for not only the full balance outstanding, but also accrued interest, all applicable court costs, attorney's fees, and other expenses, including, but not limited to depositions and service costs.

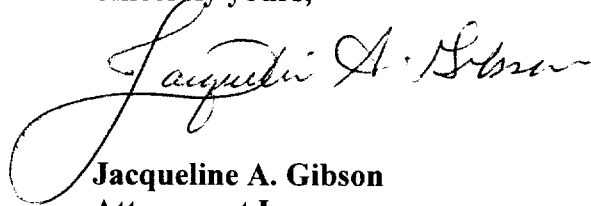
Should it be necessary to pursue litigation, and should a judgment be awarded in the Creditor's favor, we would examine the possibility of filing an action to pierce the corporate veil. This would allow the Creditor to enter into litigation against the individual shareholder(s) of the corporation on a personal basis, in the event that the corporate judgment appears to be uncollectible.

In doing so, we would look at commingling of corporate assets with those of the individual shareholders of the defendant corporation. Additionally, we would look at the reality of the corporate existence as evidenced by keeping of corporate minutes and other corporate records. We would also explore the possibility of any

obvious inadequacy of working capital or under capitalization, and we would also determine the number of nonfunctioning officers and/or directors.

Naturally, it would benefit all parties concerned if litigation could be avoided. In this regard, we ask that you make sure your check covering the full payment on the debt be remitted within ten (10) days from the date of this letter to Jacqueline A. Gibson and Associates, Peachtree Center North Tower, 235 Peachtree Street, N.W., Suite 400, Atlanta, Georgia 30303.

Sincerely yours,

A handwritten signature in cursive script, reading "Jacqueline A. Gibson". The signature is written in dark ink and is positioned above the printed name and title.

Jacqueline A. Gibson
Attorney at Law

00- *R* -0800

RCS# 2016
6/19/00
2:32 PM

Atlanta City Council

Regular Session

Consent Agenda Pages (1 - 8)

SEE ATTACHED LISTING OF
ITEMS ADOPTED/ADVERSED
ON CONSENT AGENDA

ADOPT

YEAS: 13
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 1
EXCUSED: 0
ABSENT 2

Y McCarty	Y Dorsey	Y Moore	Y Thomas
Y Starnes	Y Woolard	Y Martin	Y Emmons
Y Bond	Y Morris	B Maddox	Y Alexander
B Winslow	Y Muller	Y Boazman	NV Pitts

ITEM (S) REMOVED FROM
CONSENT AGENDA
00-O-0795
00-R-0831

PRESIDENT PITTS RECUSED ON 00-
O-0756.

06/19/00 Council Meeting	
ITEMS ADOPTED ON CONSENT AGENDA	ITEMS ADVERSED ON CONSENT AGENDA
<ol style="list-style-type: none"> 1. 00-O-0756* 2. 00-O-0626 3. 00-O-0749 4. 00-O-0760 5. 00-O-0829 6. 00-O-0836 7. 00-O-0709 8. 00-O-0710 9. 00-R-0750 10. 00-R-0817 11. 00-R-0839 12. 00-R-0529 13. 00-R-0813 14. 00-R-0717 15. 00-R-0823 16. 00-R-0841 17. 00-R-0819 18. 00-R-0822 19. 00-R-0828 20. 00-R-0810 21. 00-R-0856 	<ol style="list-style-type: none"> 22. 00-R-0796 23. 00-R-0797 24. 00-R-0798 25. 00-R-0799 26. 00-R-0800 27. 00-R-0801 28. 00-R-0802 29. 00-R-0803 30. 00-R-0804 31. 00-R-0805 32. 00-R-0806 33. 00-R-0807 34. 00-R-0808 35. 00-R-0809 <p>*PRESIDENT PITTS RECUSED ON 00-O-0756.</p>